



**Superior Court of California  
County of Fresno**

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**NOTICE**

**On April 5, 2020 the Superior Court for the County of Fresno adopted the following local rule amendment under rule 10.613(i) of the California Rules of Court, as authorized by your Statewide Order dated March 23, 2020.**

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**2.1.17      Resolution of Discovery Disputes**

A. Except for motions to compel the deposition of a duly noticed party or subpoenaed person(s) who have not timely served an objection pursuant to Code of Civil Procedure section 2025.410 or otherwise obtained the consent of all interested parties agreeing to the non-appearance of the party or person(s) at the deposition as noticed or subpoenaed, and motions to compel initial responses to interrogatories, requests for production and requests for admissions, no motion under sections 2016.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request for a Conference has either been denied and permission to file the motion is expressly granted via court order or the discovery dispute has not been resolved as a consequence of such a conference and permission to file the motion is expressly granted after the conference.

1. Any request for a Pretrial Discovery Conference must be filed with the Clerk's Office on the approved form (provided by the clerk), must include a brief summary of the dispute, and must be served on opposing counsel on or before the date it is filed with the court. Any opposition to a request for a Pretrial Discovery Conference must also be filed on an approved form (provided by the clerk), must include a brief summary of why the requested discovery should be denied, must be filed within five (5) court days of service of the request for a Pretrial Discovery Conference, extended five (5) days for service by mail, and must be served on opposing counsel.

2. Excepting a privilege log, if required pursuant to subsection B, below, no other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.

3. If the party opponent has any opposition to the dispute as stated in the request described in paragraph no. 1 above, a written opposition on the approved form shall be timely filed or it will be considered by the Court as a refusal to participate as defined in "C" below.

4. The parties will be notified by minute order whether the request has been granted or denied and, if granted, the date and time of the Pretrial

Discovery Conference. If the Court has not issued a minute order within forty-five (45) court days after the due date of any opposition, then the request for pretrial conference shall be deemed denied with permission to file the motion expressly granted.

5. Filing a request for a Pretrial Discovery Conference tolls the time for filing a motion to compel discovery on the disputed issues for the number of days between the filing of the request and issuance by the Court of a subsequent order pertaining to the discovery dispute. The Court's order will specify the number of days the time for filing a motion is tolled. On the condition that the request is filed within the forty-five (45) day jurisdictional limit of the California Discovery Act, and if the Court has not issued a minute order within forty-five (45) court days after the due date of any opposition, then the number of days the time for filing a motion shall be tolled will be an additional 10 court days from the date of the court's deadline to act as outlined above or from the date of the official court reopening post-COVID-19, whichever is later.

B. Where privilege is a basis for refusal to produce documents, privilege logs must be provided. The privilege log must include an identification of all sending and receiving entities, as well as details of the information sufficient to apprise the opposing party of the basis for the privilege.

C. Refusal of any counsel to participate in a Pretrial Discovery Conference shall be grounds, in the discretion of the Court, for entry of an order adverse to the party represented by counsel so refusing, or adverse to counsel. Failure to file a written opposition to the merits underlying a request for a Conference is considered a refusal to participate. Where there has been no written opposition to the merits of the request filed the Court may, in its discretion, enter an order adverse to the non-responding party. (Effective April 5, 2020)